

Please type a plus sign (+) inside this box →

PTO/SB/05 (12/97) (modified)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.

030598.0028.UTL1

Total Pages

60

First Named Inventor or Application Identifier

Chandler Fulton, et al.

Express Mail Label No.

EL675944075US

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL675944075US

Date of Deposit: September 29, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

Gretchen Dieckmann
Gretchen Dieckmann

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☐ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification (Total Pages)
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) (Total Sheets)
4. ☐ Oath or Declaration (Total Pages)
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d)
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in
the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
5. ☐ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the
oath or declaration is supplied under Box 4b, is considered as being
part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
Information Disclosure
Statement (IDS)/PTO-1449 ☐ Copies of IDS
and Form 892 Citations
11. ☐ Per Rule 97(d) copies of those
documents are not provided.
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☐ Small Entity ☐ Statement filed in prior application,
Statement(s) Status still proper and desired
15. ☐ Certified Copy of Priority
Document(s) (if foreign priority is
claimed)
16. * ☐

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No:

18. CORRESPONDENCE ADDRESS

Wesley B. Ames
Registration No. 40,893

Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

- ☒ If a paper is untimely filed in the above-referenced application by applicant or his/her representative, the Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to **Deposit Account No. 50-1273**. However, the Commissioner is **NOT** authorized to charge the cost of the issue fee to the Deposit Account.

The filing fee has been calculated as follows:

| FOR | NUMBER FILED | NUMBER EXTRA | RATE | CALCULATIONS |
|---|--------------|--------------|------------|--------------|
| TOTAL CLAIMS | -20 = | 0 | x \$18.00 | \$0.00 |
| INDEPENDENT CLAIMS | - 3 = | 0 | x \$78.00 | \$0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$260.00 | \$0.00 |
| | | | BASIC FEE | \$690 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$690.00 |
| Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached. | | | | \$0.00 |
| Assignment Recording Fee (if enclosed) | | | | \$40 |
| | | | TOTAL = | \$0.00 |

- ☒ No filing fee is being paid at this time. Please apply any other required non-filing fees to Deposit Account No. **50-1273**.

☐ A check in the amount of **\$0.00** is attached.

☐ Charge \$_____ to **Deposit Account No.**_____ referencing docket no. _____.

- ☒ Applicant(s) hereby petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees or to credit any overpayment to **Deposit Account No. 50-1273** referencing docket no. **030758.0006.UTL1**. A duplicate copy of this transmittal is enclosed, for that purpose.

Dated:

Respectfully submitted,

By: Wesley B. Ames
Wesley B. Ames
Registration No. 40,893

Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

UTILITY APPLICATION

UNDER 37 CFR § 1.53(B) (2)

TITLE:



THIAMINASES AND THIAMINASE GENES
FOR USE IN APOPTOTIC THERAPIES

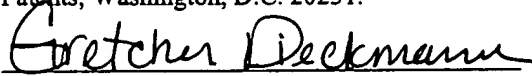
APPLICANT:

Chandler Fulton, Elaine Lai

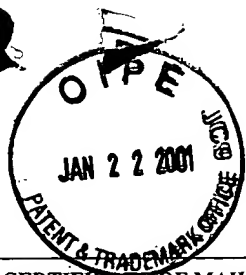
Correspondence Enclosed:

Utility Application (2 pgs); Cover Sheet (1 pg); Specification (46 pgs); Claims (3 pgs); Abstract (1 pg); Figures 1-8 (9 pgs); and Return Postcard

"EXPRESS MAIL" Mailing Label Number EL675944075US Date of Deposit September 29, 2000 I hereby certify under 37 CFR § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Gretchen Dieckmann

Sector \$
ORIGINAL #31



PATENT
Docket No. 050598.0028.UTL1

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

Date of Deposit: January 17, 2001
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Printed Name: Cheryl Stock
Signature _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|------------------------------------|
| In the application of: | Group Art Unit: 2876 |
| Fulton et al. | Atty. Docket No.: 030598.0028.UTL1 |
| Serial No.: 09/675,509 | |
| Filing Date: September 29, 2000 | |
| For: THIAMINASES AND THIAMINASE GENES FOR USE IN APOPTOTIC THERAPIES | |

TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION

| | | |
|--------------------------|-------------------|-------------------|
| Commissioner for Patents | 04/13/2001 NLUANG | 00000010 09675509 |
| Box Missing Parts | 01 FC:202 | 120.00 OP |
| Washington, D.C. 20231 | | |

Dear Sir:

Repln. Ref: 04/13/2001 NLUANG 0012203500
DAH:500872 Name/Number:09675509
FC: 704 \$40.00 CR

In complete response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(d) dated November 17, 2000, attached please find:

- ☐ A combined Declaration and Power of Attorney signed by the inventor(s).
- ☒ A Declaration signed by the inventor(s).
- ☒ A Power of Attorney and Prosecution by Assignee Under 37 C.F.R. § 3.71.
- ☒ A Declaration of Small Entity Status.
- ☒ Preliminary Amendment.
- ☒ Petition.
- ☐ Applicant(s) hereby petition(s) under 37 C.F.R. §1.136(a) to extend the time for response to the Notice to File Missing Parts dated _ for __ month(s) from _____ to _____.

Adm. Agent date: 04/13/2001 NLUANG
01/25/2001 MMARMOL 00000017 09675509
02 FC:202 -160.00 OP
4846.1

| | |
|--------------------|-------------------|
| 01/25/2001 MMARMOL | 00000017 09675509 |
| 01 FC:201 | 355.00 OP |
| 02 FC:202 | 160.00 OP |
| 03 FC:205 | 65.00 OP |
| 205 | 65.00 OP |



#3

PATENT
030598.0028.UTL1

- ☒ Other: Change of Correspondence Address Application.
☒ Assignment.
☒ Recordation Form Cover Sheet.

The fees have been calculated as follows:

| | | | |
|---|--|-------------|-----------|
| | | | |
| MISSING PARTS FILING FEE | | | \$ 355.00 |
| SURCHARGE FOR FILING MISSING PARTS (\$130 for large entity/\$65 for small entity) | | | 65.00 |
| RECORDATION FEE FOR ASSIGNMENT | | | 40.00 |
| PETITION | | | 130.00 |
| FOUR ADDITIONAL INDEPENDENT CLAIMS | | | 160.00 |
| | | | |
| | | SUB TOTAL = | \$ 750.00 |
| Petition for Extension of Time (one month \$110/\$55; two months \$380/\$195; three months \$890/\$445; four months \$1390/\$695; five months \$1890/\$945) | | | |
| | | TOTAL = | \$ 750.00 |

X A check in the amount of **\$750.00** is attached hereto.

☐ Charge **\$0.00** to **Deposit Account No. 50-0872**, referencing Docket No. 030598.0028UT1.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents,


PATENT
030598.0028.UTL1

or to credit any overpayment to Deposit Account No. 50-0872. A duplicate copy of this transmittal is enclosed for that purpose.

Respectfully submitted,

Dated: January 17, 2001

By:



WESLEY B. AMES

Registration No.: 40,893

Foley & Lardner
402 West Broadway, Suite 2300
San Diego, California 92101-3542
Phone: (619) 234-6655
Fax: (619) 234-3510



Applicant or Patentee: Chandler Fulton, et al.

Serial or Patent No. : 09/675,509

Filed or Issued: September 29, 2000

For:

THIAMINASES AND THIAMINASE GENES FOR USE IN APOPTOTIC
THERAPIES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(d)) -- NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: BRANDEIS UNIVERSITY

ADDRESS OF ORGANIZATION: 415 South Street

Waltham, Massachusetts 02254-9110

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-entitled invention described in

- ☐ the specification filed herewith
- ☒ the application serial no. 09/675,509 filed Sept. 29, 2000
- ☐ patent no. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME _____

ADDRESS _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME _____

ADDRESS _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Sheryl M. Greenberg

TITLE OF PERSON SIGNING: Director, Office of Intellectual Property and Technology Transfer

ADDRESS OF PERSON SIGNING: Brandeis University, 415 South Street, Waltham, Massachusetts
02254-9110

SIGNATURE Sheryl M Greenberg DATE Jan 10, 2001